

REMARKS/ARGUMENTS

CLAIM REJECTIONS – 35 USC § 103

Claims 92-104 stand rejected under 35 U.S.C. § 103 as being obvious in light of *Weng et al.* (U.S. Patent No. 6,225,432; hereafter “*Weng*”). Applicant traverses this rejection, as *Weng* does not disclose the claimed *process*.

Claim 92 is amended with the limitation of claim 100, with the phrase “wherein the first metallocene catalyst compound is an alkyl bridged metallocene compound with at least two indenyl rings substituted at one or both of the 4 and 7 positions and the second metallocene catalyst compound is a bridged metallocene compound that has at least two indenyl rings substituted at the 2 and 4 positions”. This limitation derives from the specification as filed at, for example, the working examples and paragraph [0009]. Claim 100 is herein cancelled. No new matter is added.

Nowhere in the 4-corners of *Weng* is the new limitation of claim 92 found, nor other process-related limitations. While there is a narrowed species list (of a large genus) disclosed in *Weng*, the specific metallocenes that are disclosed in *Weng* do not lead to the claimed combination. In fact, *Weng* does not particularly (or generally) disclose “alkyl bridged metallocene compound with at least two indenyl rings substituted at one or both of the 4 and 7 positions” at all.

In his rejection, the Examiner states that:

Although *Weng* does not disclose all the characteristics and properties of the branched polypropylenes disclosed in the present claims, based on the substantially identical process . . . the Examiner has a reasonable basis to believe that the properties claimed in the present invention is inherent . . . disclosed in *Weng*.“

The Examiner also states:

Furthermore, Applicant has not demonstrated that the differences, if any, between the claimed branched polypropylene and the propylene polymers disclosed by *Weng* give rise to unexpected results.”

This rational is not well taken, as the Applicant is not claiming a *composition*, but a *process*. In fact, the composition could be inherently disclosed in *Weng*, but that does not matter. *Applicant is*

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arriving at the same or similar composition in a different way. Applicant is claiming a novel process.

To highlight this point, the Applicant amends claim 92 by removing the composition limitation “the branched crystalline polypropylene polymer has from 0.0 wt% to 2.0 wt% ethylene, a heat of fusion of 70 J/g or more and a unimodal weight distribution;” and removing “unimodal” from the preamble, limitations which are not relevant in the process claim.

There simply is no disclosure in *Weng* of the combination of metallocenes as claimed, nor is there a process disclosure of “the polymerization medium has less than 25 volume percent diluent.” The **MPEP** states that there must be some degree of predictability in the prior art to sustain a “reasonable expectation of success” in modifying *Weng* to arrive at the claimed invention.¹ The Examiner has not shown that one skilled in the art would know that modifying the combination of two metallocenes as is claimed, and the polymerization medium, would be useful in arriving at a polypropylene.

The Applicant thus requests that the rejection be withdrawn.

It is believed that all objections and rejections having been overcome and this application is in condition for allowance. If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2002B147/2).

Respectfully submitted,

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¹ MPEP § 2143.02 (8th ed, rev. 6, 2007).